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**Counsel for the Board**

Joseph Ballirano, Esq.

**Building Official**

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**Zoning Board Members**

Richard Fascia

Thomas Lopardo

**Alternate Board Members**

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Albert Colannino

**Recording Secretary**

Holli Stott

**JOHNSTON ZONING BOARD OF REVIEW**

100 Irons Avenue, Johnston, Rhode Island 02919

**Tel: 401-231-4000 ext 4068 Fax: 401-231-4181****MINUTES****September 25, 2014**

The Zoning Board of Review held its monthly meeting on the 25th day of September, 2014 at 6:30 p.m., at the Johnston Senior Center, 1291 Hartford Avenue, Johnston, RI. All persons interested in the following proposals had been requested to be present at this time.

Present: Bernard Frezza, Chairperson, Anthony Piloizzi, Vice-Chairman, Joseph Anzelone, Albert Colannino, Richard Fascia, Thomas Lopardo and Dennis Cardillo. Also present: Joseph Ballirano, Esq., Holli Stott, Recording Secretary, Bernard Nascenzi, Zoning Official and Lisa Reis, Stenographer.

Mr. Piloizzi made a motion to approve August's minutes. Mr. Anzelone seconded. A voice vote was taken; all in favor.

**A. File 2014-35**

LOCATION: 1251 Atwood Ave  
 OWNER: Mary Raso  
 APPLICANT: Jamie Monello  
 LOT: AP 24 — Lot 35; 8,740 sq. ft.; R-15 Zone  
 EXISTING USE: Residential  
 PROPOSAL: Real Estate Office

**Use Variance** petitioned under Article III § 340-8 Table of Use Regulations sect 6.2

Mr. Al Russo, attorney for the applicant, was sworn in and he explained to the board that his client has been at this location operating a Real Estate office temporarily for one year and would like to get a permanent use for this location.

Mr. Nascenzi explained that this business has not been there a full year yet and wanted the board to be aware of that before they make a decision on granting this applicant with permanent use for this property.

Mr. Ballirano expressed that he thinks the board should consider a maximum of employees for Mr. Monello to have at one given time so that there are no parking issues with the neighbors.

Mr. Monello, applicant, was sworn in and he stated that he purchased this property and put a lot of money into it to fix it up.

No one for or against

Mr. Piloizzi made a motion for Mr. Monello to get the variance 1 month early. Mr. Anzelone seconded. A voice vote was taken; all in favor. Mr. Piloizzi made a motion to grant with the stipulation

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that if the business should grow over 15 full time employees, Mr. Monello will have to return to the board for additional relief. Mr. Anzelone seconded. A voice vote was taken; all in favor.

**B. File 2014-38**

LOCATION: 13 Bigelow Road  
 OWNER/ APPLICANT: Philip and Cristina Parsons  
 LOT: AP 59 — Lot 117; 57,413 sq. ft.; R-40 Zone  
 EXISTING USE: Single Family Dwelling  
 PROPOSAL: Build 24 x 30 garage

**Dimensional Variance** petitioned under Article V § 340-25 Authorized departures from yard regulations sect. C Accessory structures

Mr. Philip Parsons, applicant for the property, was sworn in and he explained to the board that they would like to build a garage on their property. The applicants have lived at this residence for over 30 years without a garage and would like to build one now. Currently they are parking their cars on their lawn. No storage above the garage and it will only have electricity.

Mr. Pilozzi made a motion to grant. Mr. Anzelone seconded. A voice vote was taken; all in favor.

**C. File 2014-39**

LOCATION: 6 Amber Street  
 OWNER APPLICANT: Susan Hetrick  
 LOT: AP 38 — Lot 269; 5,600 sq. ft.; R-15 Zone  
 EXISTING USE: Single Family Dwelling  
 PROPOSAL: Garage with breezeway

**Dimensional Variance** petitioned under Article III § 340-9 Table of Dimensional Regulations

	DIMENSION	MINIMUM REQUIRED	PROPOSED	RELIEF REQUESTED
SETBACKS:	LOT SIZE	15,000 sq ft	5,600 sq ft	9,400 sq ft
	LOT FRONTAGE	100'	80'	20'
	LOT WIDTH	100'	80'	20'
	FRONT YARD	25'	20'	5'
	REAR YARD	45'	23'	22'
	LEFT SIDE YARD	20'	12'	8'
	RIGHT SIDE YARD	20'	8.6'	11.4'

Susan Hetrick, applicant, was sworn in and she explained that she would like to build a garage with an attached breezeway. The garage will be used for storage of her vehicle and patio furniture. The breezeway will connect the garage to the house.

Mr. Ballirano explained to the board that the town planner did review the application and he stated that it is consistent the comprehensive plan and the structure is consistent in preserving the neighborhood character.

Mr. Pilozzi made a motion to approve. Mr. Anzelone seconded. A voice vote was taken; all in favor.

Mr. Pilozzi made a motion to recess. Mr. Anzelone seconded. A voice vote was taken; all in favor.

**Recess 7:00****Back to Order 7:10****D. File 2014-40**

LOCATION: 65 Winsor Avenue  
 OWNER: Gerald and Elaine Couillard  
 APPLICANT: Scott Brouillard  
 LOT: AP 61 — Lot 166; 49,741+/- sq. ft.; R-40 Zone  
 EXISTING USE: Single Family Dwelling  
 PROPOSAL: 24' x 24' three season room

**Dimensional Variance** petitioned under Article V § 340-25 Authorized departures from yard regulations sect. C Accessory structures

Mr. Scott Brouillard, contractor for the applicant, was sworn in and he explained to the board that they would like to build a three season room on top a patio that is already existing because the owners wife is sickly and cannot utilized the stairs as well as she could before.

Mr. Fascia asked Mr. Brouillard that if this addition will be placed over the well opening and Mr. Brouillard explained that they made provisions so that it will accessible in case they need to get to it. No abutters for or against

Mr. Pilozzi made a motion to approve. Mr. Anzelone seconded. A voice vote was taken; all in favor.

**E. File 2014-36**

LOCATION: Atwells Ave and Union Ave  
 OWNER: Gregory Pompei and Julieann Wilson  
 APPLICANT: John Cairo  
 LOT: AP 18 — Lot 203; 12,800 sq. ft.; R-15 Zone  
 EXISTING USE: Vacant  
 PROPOSAL: Single family dwelling

**Dimensional Variance** petitioned under Article III § 340-9 Table of Dimensional Regulations

	DIMENSION	MINIMUM REQUIRED	PROPOSED	RELIEF REQUESTED
<b>SETBACKS:</b>	LOT SIZE	15,000 sq ft	12,800 sq ft	2,200 sq ft
	LOT FRONTAGE	100'	80'	20'
	LOT WIDTH	100'	80'	20'
	LEFT SIDE YARD	20'	17'	3'
	RIGHT SIDE YARD	20'	17'	3'

Mr. Al Russo, attorney for the applicant, previously sworn, explained to the board that his clients would like to build a single family dwelling on this lot. Mr. Russo explained about the relief the applicant is requesting and which way the home will be facing.

Mr. Gregory Pompei, owner of the lot, was sworn in and he explained to the board that this lot has been in his family since his grandfather and him and his sister had been paying taxes on this lot for a number of years and now they would like to sell it.

John Cairo, contractor, was sworn in and he explained that this lot is water and sewer ready and gas if halfway up the street and if they want to bring it down they can. This home will be a three bedroom with no finished basement.

Mr. Colannino asked Mr. Cairo if he plans on subdividing the lot and Mr. Cairo stated that he did bring that question up to his attorney but nothing will be happening until later in the future if anything at all.

Mr. Nascenzi explained that you cannot subdivide and create a nonconforming condition.

Scott O'Brein, abutter, was sworn in and he explained that his concerns are the water issues he has at his property and that if another home is built then the excess water will definitely end up in his basement where a sub pump runs constantly already. Mr. Pilozzi explained that the house will be placed on Atwells, therefore the new house will be away from him anyways.

Mr. Cairo explained that this lot is two feet down from the road and once he clears out all the trees and stumps everything down he is going to fill it up level with the neighbors with gravel.

Mr. John Colafrancesco and Ann Marie Dennett, abutters, sworn in and Mrs. Dennett's concerns are water, how many homes will be built on one lot and that the homes are going to be on top of each other. Mr. Pilozzi explained to both of them about the water and that they are only asking for 3 feet of relief on each side and the house if approved will be 17 feet away from the side setbacks and only one house will be built. Mr. Colafrancesco also explained that their driveway is on the lot that this house will be placed on and now they are going to have to move it to the other side of the house.

Mr. Anzelone questioned Mr. Russo if the home is going to have a bathroom in the basement and Mr. Cairo explained that it will not have a bathroom in the basement. Mr. Ballirano also stated that they need to submit a new set of plans because there is also a deck on the site plan but not on the building plans and everything needs to be accurate so that the board can make the best decision.

Deoraine Peterson, abutter, was sworn in and her concern if the applicant can place more than one house on this lot. Mr. Pilozzi stated that if approved he will be placing a stipulation in the approval that way he will not be able to place another home on that lot in the future.

Mr. Russo asked the board to approve the footprint of the relief they are seeking and not the actual plan that the board has reviewed due to extra costs to the contractor for building the one shown. Mr. Cairo stated that he will indeed build the home showed even if it will cost extra out of his pocket.

Mr. Anzelone made a motion to recess. Mr. Pilozzi seconded. A voice vote was taken; all in favor.

### **Recess 8:03**

### **Back to Order 8:11**

Mr. Anzelone made a motion to deny. Mr. Lopardo seconded. Roll Call:

Mr. Anzelone                   Aye

Mr. Pilozzi                   Nay

Mr. Lopardo                 Aye

Mr. Fascia                  Nay

Mr. Frezza                 Nay

Mr. Pilozzi made a motion to grant. Mr. Fascia seconded. Roll Call:

Mr. Anzelone               Nay

Mr. Pilozzi                 Aye

Mr. Lopardo               Nay

Mr. Fascia                 Aye

Mr. Frezza                 Aye

Motion passes three to two, but the State law requires four votes. Application denied. If the applicant wants to appeal to Superior Court then he has to file within three weeks.

Mr. Anzelone made a motion to adjourn. Mr. Lopardo seconded. A voice vote was taken; all in favor.

### **Adjourn 8:19 p.m.**